

REMARKS

Claims 1-7, and 12-14 are presently pending in the application. Claims 1-6 and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,772,433 ("LaJoie"). Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie in view of U. S. Patent No. 6,881,396 ("Bates"). It is submitted that claims 1-7 and 12-14, as amended, are allowable over the cited art for at least the following reasons.

Independent claim 1, as amended, is directed towards providing and displaying a program guide including a list of bi-directional services along with their availability information that is received from remote subscribers. Applicant submits that LaJoie does not teach or imply receiving availability information regarding bi-directional services from remote subscribers. A bi-directional services database is then maintained and used to periodically update the displayed program guide. Selections of the bi-directional services can therefore be made by a subscriber depending upon their availability information.

Additionally, after rendering a requested bi-directional service, the bi-directional services database is updated to reflect whether the previously rendered bi-directional service is currently available or unavailable. Subsequently, the program guide, which is then received by a plurality of subscribers, is populated with the updated availability information. It is submitted that LaJoie does not teach or imply this feature. It is also submitted that updating the bi-directional services database and transmitting an updated program guide, accordingly, is not equivalent to the Examiner's statement that LaJoie "prompts a user to enter his/her PIN number to purchase viewing the program. The database displays IPPV past events requested by the user." As stated in the Office Action, the database of IPPV events is managed by the billing service, and is hence not viewed by a plurality of subscribers. In fact, this billing information is not a consequence for anyone except the billing service and the individual subscriber; whereas, the updated bi-directional services database is of importance to everyone in the system.

Furthermore, the bi-directional services presented in the program guide may be available or unavailable and, as stated in claim 3, as amended, a further step is querying the bi-directional services database to ensure the requested bi-directional service is available. This is not equivalent to the Examiner's comments relating LaJoie's available information to the present invention's available information by stating that "whatever service is displayed on the program guide is an available service." In contrast, though the bi-directional service is displayed in the program guide of the present invention, it may not be available at that time. Hence, dependent claims 6 and 7 state that a request may be received for future consumption of an unavailable bi-directional service. Subsequently, when the requested bi-directional service is available, a notification is provided. Accordingly, Applicant submits that claims 6 and 7 are not taught or implied in LaJoie.

Dependent claim 4 is directed towards establishing a communication session between the requesting subscriber and another subscriber associated with the requested bi-directional service (page 9, lines 18-28 and page 22, lines 30-35). In this manner, the communication is between the two of them and doesn't include anyone else. Applicant believes that this is not equivalent to LaJoie's example of a mother reminding her child to take out the garbage (Col. 33, lines 52-56) as noted in the Office Action. It is respectfully submitted that, as taught in LaJoie, a subscriber may contact the system operator to request a recurring message that can be delivered to a set-top in their home. This is not a communication session, but rather an alert or message that can be overlayed on a regularly watched program.

It is believed, therefore, that independent claim 1, as amended, is patentable over the cited art. It is also submitted that dependent claims 2-7 and 12 further limit independent claim 1 and should also be allowable.

For the same reasons stated above, it is also believed that independent claim 13, as amended, is also patentable over Lajoie. Dependent claim 14 further limits independent claim 13 and should also be allowable over the prior art.

It is believed that claims 1-7 and 12-14, as amended, are patentable over the cited art for the reasons stated above. Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and in view of the following remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated September 6, 2006. Claims 1-7 and 12-14 will be pending in the present application upon entry of the present amendment, with claims 1 and 13 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 2 independent claims. Because Applicant has paid herewith for 20 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

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